

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES P. LEMON,

*Plaintiff,*

v.

JOHN DOE (1), JOHN DOE (2), SGT.  
ANTHONY, *and* JOHN DOE (4),

*Defendants.*

No. 23-CV-4698 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

James P. Lemon (“Plaintiff”), proceeding pro se, brings this Action against John Doe (1), John Doe (2), Sergeant Anthony, and John Doe (4) (collectively, “Defendants”), alleging violations of his Constitutional rights. (*See generally* Compl. (Dkt. No. 1).) On September 26, 2024, the Court set a briefing schedule on Defendant’s Motion to Dismiss (the “Motion”). (*See* Dkt. No. 34.) On October 16, 2024, Defendants filed the Motion. (*See* Dkt. Nos. 35–38.) Plaintiff’s response was due November 12, 2024. (*See* Dkt. No. 34.) On November 13, 2024, Plaintiff filed a letter dated November 8, 2024, requesting a 90-day extension to the deadline because Plaintiff was in a long-term rehabilitation program. (*See* Dkt. No. 39 at 3.) Plaintiff noted that he had given his sister, Diana E. Lemon (“Diana”), power of attorney and that he and Diana were in the process of securing counsel. (*Id.*) On April 9, 2025, the Court directed Plaintiff to respond to Defendant’s Motion by no later than May 7, 2025, and noted that failure to do so may result in the Court deeming the Motion fully briefed. (*See* Dkt. No. 40.) On May 16, 2025, Diana filed a letter dated May 7, 2025, on Plaintiff’s behalf. (*See* Dkt. No. 41.) Diana requested that the Court deny Defendant’s Motion or hold a decision in abeyance for 60 days to

allow Plaintiff “a final opportunity to secure legal representation.” (*See id.* 1–2.) On May 21, 2025, the Court noted that a power of attorney does not entitle Diana to prosecute this Action on Plaintiff’s behalf and gave Plaintiff 30 days to secure counsel. (*See* Dkt. No. 42 at 1.) The Court stated that failure to secure counsel or otherwise communicate with the Court by June 18, 2025, may result in the Court deeming Defendants’ Motion fully submitted. To date, neither Plaintiff nor Diana has communicated with the Court. (*See generally* Dkt.) Accordingly, the Court deems Defendants’ Motion fully submitted. The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: July 9, 2025  
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS  
United States District Judge